IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 8425 of 1992

For Approval and Signature:
HONOURABLE MR.JUSTICE K.M.THAKER

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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VANITA N ZALA - Petitioner(s)
Versus
STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :
MR BIPIN P JASANI for Petitioner(s) : 1,
MS TRUSHA PATEL, ASST. GOVERNMENT PLEADER for Respondent(s) : 1,
NOTICE SERVED for Respondent(s) : 2 - 3.

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CORAM : HONOURABLE MR.JUSTICE K.M.THAKER

Date : 07/12/2007

ORAL JUDGMENT

1. This matter was listed on 3.12.2007 and thereafter on 4.12.2007. On both occasions, the matter had to be adjourned in view of leave-note

of Mr. Jasani, advocate for petitioner. This matter was listed on 5.12.2007. On that date also, there was a leave-note by Mr. Jasani, Advocate.

2. This petition is filed in 1992. In the petition, the action of respondents of not giving admission to the petitioner in PTC Course in the year 1992-93 has been challenged.

3. On 25.11.1992, this Court (Coram: Hon'ble Mr. Justice R.A.Mehta, as his Lordships then was) directed that notice be issued against the respondents and there was further direction by way of interim relief to keep one seat vacant if any person in Baxi Panch category was given admission with lower marks than by the petitioner. Subsequently, on 17.12.1992 another order came to be passed by the Court (Coram: Hon'ble Mr. Justice R.A.Mehta, as his Lordships then was) whereby, the petition was admitted, however, it was clarified and stated that “no interim relief.” Since then, the petition is pending. The academic year in which the

petitioner sought admission has come to an end long back and since then, almost 15 years have passed. In that view of the matter, Ms. Patel, learned AGP, submits that the petition has become infructuous. She appears to be right in her submission. She further submits that in view of the matter, the petition may be disposed of as infructuous. The submission is accepted. The petition is disposed of as infructuous. However, since the petitioner's advocate has continued on leave and has submitted leave-note in the Registry, it is clarified that if any grievance of the petitioner survives, then, the petitioner would be at liberty to request for revival of the petition.

4. With the said clarification, the petition is disposed of as infructuous. Rule discharged. No order as to costs.

[K.M.Thaker, J.]

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